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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

PHILIP WOLFE, KATALINA DURDEN,
MELISSA LEWIS, JUNIPER SIMONIS,
individually, and DISABILITY RIGHTS
OREGON, an Oregon nonprofit and
advocacy corporation,

Plaintiffs,

v.

CITY OF PORTLAND, a municipal
corporation; TED WHEELER, in his official
capacity; CHUCK LOVELL, in his official
capacity; MULTNOMAH COUNTY, a
political subdivision of the State; MICHAEL
REESE, in his official capacity; TERRI
DAVIE, in her official capacity; CHAD
WOLF, in his individual capacity;
ALEJANDRO MAYORKAS, in his official
capacity; DONALD WASHINGTON, in his
individual and official capacity; and DOES 1-
100, individual and supervisory officers of
local, state, and federal government,

Defendants.

Case No. 3:20-cv-01882-SI

DECLARATION OF PHILIP WOLFE IN
SUPPORT OF PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION

I, Philip Wolfe, hereby declare and state as follows:

1. I am 18 years of age or older and am otherwise competent to make this declaration. I am an individual plaintiff in this action, and I reside in Portland, Oregon. I make this declaration on personal knowledge of the matters stated in this declaration or from sources deemed reliable.

2. I am a person with a disability. I am Deaf and have been deaf since birth. I communicate using American Sign Language. I also have PTSD which has been exacerbated by

law enforcement's use of force against me and their refusal to provide me, and other deaf people, with effective communications

3. I have lived in Portland since 2010 and have been an activist for years. I have participated in demonstrations in support of the MeToo movement, the March for Our Lives and climate activism. I have been the Chair of Portland's Community Oversight Advisory Board, which was established to deal with the Portland Police Bureau's pattern of killing people experiencing mental health crisis. I also ran for Portland City Council in 2018 and 2020. Since May 2020 I have attended dozens of rallies and protests in Portland against police brutality and racist violence.

4. On May 31, 2020, I attended a protest at the Justice Center in downtown Portland. At around 10:30 or 11:00 PM, Portland Police Bureau (PPB) fired flash bang grenades into a crowd of thousands of people without providing any warning in ASL or any other communication accessible to myself or other deaf people. Flashbang grenades are extremely disorienting to me as a Deaf person because I rely heavily on my eyesight. When flashbang grenades explode it triggers my PTSD and I also lose balance and experience intense pain in my ears.

5. That night, PPB officers also fired tear gas indiscriminately, and without warning, against the protesters. The actions by law enforcement caused a stampede in the crowd. Other Deaf friends and I attempted to remain safe by holding hands as we could not see due to the smoke and grenades. The tear gas made my eyes and throat burn and I felt dizzy and nauseous.

6. On June 21, 2020, I again attended a protest at the Justice Center, along with thousands of other people. Once again, PPB officers began to indiscriminately fire tear gas and flash bang grenades at protestors. Law enforcement never provided any instructions or orders in accessible formats for deaf people. As I tried to disperse a flashbang grenade hit me in

the back and officers began beating protestors with their batons even as people were trying to disperse. The whole thing was extremely violent and it felt like a warzone.

7. After these events, I took a few weeks off from attending protests because my PTSD symptoms had become overwhelming. I was having nightmares and flashbacks of people being shot and beaten.

8. On July 22, 2020, after agents from the Department of Homeland Security (DHS) arrived in Portland, I attended a rally a few blocks from the Justice Center and, in the evening, a different rally on 4th Street. I saw DHS and PPB officers work together to disperse and target the crowd. Agents from both agencies fired tear gas and flashbang grenades into the crowd without warning. Neither DHS nor PPB officers provided warnings or orders that were accessible to deaf people. I had brought an ASL interpreter with me that day who was able to tell me when officers declared an unlawful assembly. However, the warning was given within seconds before officers began using force against the crowd and it did not provide me with enough time to leave. Once again I was heavily exposed to tear gas which made me dizzy. At these rallies, a friend who is Deaf/blind accompanied me and was terrified due to the lack of accommodations provided by law enforcement and their brutal response against protesters.

9. I have gone to multiple other rallies and protests which I had to leave early because law enforcement's communication are inaccessible to me.

10. On several occasions I have tried to explain to law enforcement that I am Deaf and that their communications are not accessible. The officers told me I should stop attending protests.

11. On July 23, 2020, I also informed Mayor Wheeler directly of the need to provide accommodations for persons with disabilities, including those who are Deaf or hard of hearing. First, I asked Mayor Wheeler through Twitter whether he would be providing accommodations at the protests planned for that day which he said he would be attending. I

never received a response from Wheeler or his office. Later that day, at a protest, I confronted Wheeler directly regarding the need for accommodations and the dangers of deploying military weapons on protesters with disabilities. Mayor Wheeler agreed that every public event should be accessible and, wrongfully, stated that ASL interpreters had been hired for this particular event. I explained to him that I had paid for the ASL interpreters, to which Mayor Wheeler provided no response.

12. I have been fighting for PPB to fix their discriminatory practices against people with disabilities for many years. In 2012, I reported a domestic violence incident to PPB. The officers dispatched to the scene responded without an interpreter and refused to get one. They spoke only to my partner and as a result did nothing. After this incident, I filed a lawsuit challenging PPB's failure to provide accommodations to people who are deaf or hard of hearing when responding to calls for service. As part of the settlement, I became part of the Department of Public Safety Standards and Training where I tried to train PPB officers on how to provide effective communications for people who are deaf or hard of hearing. Through this program I was able to see firsthand how little understanding about the deaf community and accommodations the PPB has.

13. Because of the multiple times in which law enforcement have directed violence at me, I am in a constant state of stress and fear. Since the middle of August, 2020 I have had recurring headaches. On August 21, 2020 I went to my primary doctor who gave me a physical exam and provided me with medication for the pain. I took the medications and it helped manage the pain but the following morning I woke up with such sharp pain that it made me scream. I went to the emergency room and had to stay in the hospital for two days. The doctors believe that my symptoms were a chain reaction from exposure to tear gas. I had to stop working for two weeks due to the pain I was experiencing.

14. My PTSD has also been exacerbated due to the warzone-like environment that law enforcement creates during protests and rallies. I continue to experience severe anxiety, insomnia, fatigue, hypervigilance and night terrors. I have stopped attending the protests because of the lack of accommodations and continuous fear over law enforcement violence.

I declare under penalty of perjury and under the laws of the United States, pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge, memory, and belief.

Executed on February 8th, 2021, in Portland, Oregon.

s/ Philip Wolfe
Philip Wolfe

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing DECLARATION OF PHILIP WOLFE
IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION on the
attorney or party listed below on the date set forth below by the method(s) indicated:

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DATED: February 8th, 2021.

s/ John C. Clarke
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